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C O N F I D E N T I A L SECTION 01 OF 02 TALLINN 000402

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [MARR](#) [MOPS](#) [NATO](#) [EN](#)
SUBJECT: ESTONIAN COMMENTS AND QUESTIONS ON IRAQ INVITE
LETTER FOR 1+4+1

CLASSIFIED BY AMBASSADOR S. DAVE PHILLIPS FOR REASONS 1.4
(B/D)

REF: (A) BAGHDAD 3630
(B) Rodrigues-Adkins email 11/20/08
(C) Adkins-Davy email 11/20/08

11. (C) SUMMARY: The Government of Estonia approved legislation extending Estonia's mandate in Iraq on the basis of the preliminary letter of invitation from the Government of Iraq (GOI) (reftel). Parliamentary debate will begin in early December. However, the mandate renewal legislation will not enter into force until the GOI receives a "proper" invitation from the GOI which contains specifics on the future legal status of Estonian troops in Iraq after December 31, 2008. GOE officials are unclear on the term "non-combat" mission used in the Iraqi letter and how it will impact the role of Estonian soldiers on the ground. Ministry of Defense (MOD) and Foreign Affairs (MFA) officials are reviewing the text of the US-Iraq Status of Forces Agreement (SOFA) and want to discuss technical aspects with the USG as well as begin discussions with GOI officials on their own bilateral SOFA as soon as possible. Four MPs from the National Defense Committee are traveling to Iraq November 25-27. End SUMMARY.

GOI LETTER A FIRST STEP

12. (C) On November 20, Arti Hilpus, MFA Director for International Security Policy and Jaano Vija, MOD Chief Expert for International Operations told Pol/Econ Chief and ARMA that the Estonian Cabinet had approved draft legislation extending Estonia's mission in Iraq on the basis of the GOI's preliminary invitation letter. The Parliament will begin debating the legislation in early December. However, Hilpus noted, even if the parliament approves the legislation, deployment of the next rotation of Estonian forces to Iraq is legally contingent on the GOI sending a second letter with specifics on the legal status of Estonian troops after December 31, 2008. (Alternately, MOD/MFA told us, Estonian troops could deploy on the basis of a UNSCR, but they realize this is unlikely. End NOTE.) The Estonian platoon currently deployed in Iraq (ESTPLA-17) is scheduled to rotate out in late December. MOD/MFA made clear that the GOE will not deploy the ESTPLA-18 (which has completed the necessary training and is technically ready to go), without clarification from the GOI on what their legal status in Iraq will be.

13. (C) MOD/MFA acknowledged that it is unlikely that the GOE and GOI will complete negotiations of a bilateral SOFA by the end of the year (NOTE: These negotiations have not begun. End NOTE.) Absent a completed SOFA, the next GOI

letter to the GOE needs to provide specifics on an interim legal status for Estonian troops. This could be, for example, written confirmation that Coalition Provisional Authority (CPA) Order 17 will apply until such time as a bilateral Estonia-Iraq SOFA is concluded. Hilpus and Vija also noted that - in order to meet Estonia's own political requirements - it must be either PM Maliki or the Iraqi Foreign Minister who signs the next letter to Estonian PM Ansip. (Note: Estonia does not have a position equivalent to the Iraqi National Security Advisor (NSA), who signed the first letter. End NOTE.)

WHAT DOES NON-COMBAT MEAN?

¶4. (C) Hilpus and Vija had many questions related to the use of the term "non-combat" role in the GOI letter. They asked what this meant for the future of Estonia's mission in Iraq. What are the consequences for rules of engagement, rights and privileges, Hilpus asked. The GOE views the current activities of Estonian troops in Iraq (patrols, convoys and detainees) as "non-combat." Does the GOI see it the same way, Vija asked us? The MFA/MOD noted specifically their concern that without a clear definition, it is possible that an Estonian soldier could do something that is considered combat (instead of non-combat), which could lead to a lack of legal protection for that individual. The MFA/MOD is also interested in how the USG views Estonian longer-term participation in Iraq. Do we see Estonian troops departing permanently in the summer of 2009?

TALLINN 00000402 002 OF 002

ESTONIA READY TO BEGIN DISCUSSION OF SOFA

¶5. (C) Hilpus and Vija stressed the GOE's interest in preparing for negotiations with the GOI on a bilateral SOFA. The GOE is currently reviewing the text of the US-Iraq SOFA line by line. Hilpus asked Emboffs to provide the name and contact information of a POC in Washington the GOE could contact with technical questions on the SOFA. Vija also provided us with an internal working-level draft set of questions Estonian officials have on the SOFA text (Ref B email to EUR/NB). Vija pointed out that there are many items referenced in the US-Iraq SOFA on which Estonia would like to piggy back. For example, the SOFA refers to USG participation in several committees. Would it be possible for the USG to represent Estonia on these committees? Also, noting the US-Iraq SOFA confers significant rights exclusively for US forces, Hilpus said the GOE is interested in having these conditions apply to Estonian forces as well.

¶6. (C) Hilpus and Vija also asked for USG assistance in identifying an appropriate POC within the GOI for Estonia-Iraq SOFA discussions. As Estonia does not have an Embassy in Baghdad, the MFA had already approached the Iraqi Embassy in Helsinki with this question. However, Iraqi officials there could not answer any questions about SOFA negotiations. Vija will accompany the Chairman of the Estonian Parliament's National Defense Committee (Mati Raidma) and three other MPs on a trip to Iraq next week (Nov 25-27). The MPs are planning to meet with MNF-I and NTM-I officials. They have also requested, but have not been able to secure a meeting with the Chair of the Iraqi Parliament's Defense Committee.

Phillips